

# The Facts of Attica <sup>NYT</sup> 9/12/72

It was one year ago today that the bloodiest prison uprising in all American history ended in a haze of tear gas and hail of gunfire at Attica. The five-day rebellion left 32 inmates and 11 correction personnel dead and scores more injured in the final, desperate police charge to rescue hostages and retake an inmate-held portion of the upstate facility. Confused, conflicting and demonstrably untrue official accounts of what happened prompted the formation of an impartial citizens panel to determine the facts, the New York State Special Commission on Attica, which releases its findings on this anniversary date.

The commission's 500-page report is a superb document, sweeping in scope, meticulous in detail, calm in tone, unsparing in assessing blame. It goes beyond its mandate to find the facts; it analyzes them. It is persuasive. Based on lengthy public hearings, countless additional hours of private testimony, an on-the-scene inquiry at Attica and a painstaking fitting-together of fragmented accounts of institutional failure, the report is a monumental case study of what Karl Menninger has called "the crime of punishment." It describes the continuing inadequacy of the whole criminal justice system as well as the momentary failures of almost every agency and official involved in the Attica tragedy. It is, in essence, an urgent call for correctional reform.

As for Attica, the commission under the able chairmanship of Dean Robert B. McKay of the New York University School of Law notes that "the emphasis was on confinement and security." It found that there was no meaningful program of education and no rehabilitation program. In tracing the causes of the uprising, it suggests that a "new breed of younger, more aware inmates, largely black, who came to prison full of deep feelings of alienation and hostility against established institutions of law and government" were unwilling to accept the "daily humiliations and racism that characterize prison life." Smoldering resentments burst into a spontaneous uprising that was "the product of frustrated hopes and unfulfilled expectations."

Thus, the commission's findings and assessments are at variance with those of Governor Rockefeller. He earlier referred to the prisoners as "revolutionaries" and to their "political demands" in justifying his decision to repress their uprising with force. It was a grave mistake in our view for Governor Rockefeller personally not to have gone to Attica, to direct actions close at hand; the commission also feels that his responsibilities required his presence on the scene.

While the Governor has denied that the state police storming the prison compound used excessive force, the commission makes a specific finding that they did. It is the commission's conclusion that the police assault was not carefully planned, that the choice of weapons (shotguns to spray deadly pellets) was illogical, that no safeguards were erected to minimize injuries and that no adequate medical arrangements were made to care for the certain casualties.

What recurs in the commission's report is something else more amorphous and yet perhaps more fundamental. It finds that there was increasing mistrust on all sides. The prisoners simply did not believe the state's promises to avoid reprisals and, in the end, the reprisals that occurred grimly proved the prisoners correct in their disbelief. There is still, even now, too little evidence that the state is committed to sweeping correctional reforms and too much that it cannot be taken at its word.

The mistrust that the commission feels undermined attempts to negotiate a peaceful settlement of the Attica uprising has recently assumed new and larger proportions. According to its general counsel, Arthur Liman, the commission was assured by state investigators probing criminal aspects of the uprising that it could take testimony from inmates and promise them confidentiality. Mr. Liman took testimony on this basis, promising prisoners that it would not be turned over to state prosecutors. Now, the state is suing Mr. Liman to obtain this testimony. He considers the state's action "an incredible betrayal."

And, indeed, it is. On the first anniversary of the Attica tragedy, it reveals a preference for negative action, for "crack downs" whatever the cost, over the more positive approach of not only finding out what is wrong with the criminal justice system but moving vigorously to reform it.